

IN RE: PETITION FOR ZONING VARIANCE
N/S of Ware Avenue, N of
Washington Avenue
(108 Ware Avenue)
9th Election District
4th Councilmanic District
Baltimore County Revenue Auth.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-474-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a height of 111 feet for the south face of an existing building in lieu of the maximum permitted 99 feet or additional height as may be set back within the indicated height tent envelope, a height of 107 feet for the west stair bulkhead in lieu of the permitted 60 feet or additional height as may be set back within the indicated height tent envelope, a building to front property line setback of 5 feet in lieu of the required 15 feet, and a building to street centerline setback of 35 feet in lieu of the required 40 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Kenneth F. Mills, Jr., Executive Director, and Contract Purchaser, Hotel Venture, Inc., by Richard Eliasberg, President, appeared, testified and were represented by Benjamin Bronstein, Esquire. Also appearing on behalf of the Petition was David S. Thaler, D. S. Thaler and Associates, Inc. Appearing as a Protestant in the matter was Richard Parsons, President, West Towson Neighborhood Association, Inc.

Testimony indicated that the subject property, known as 108 Ware Avenue, consists of 19,600 sq.ft. zoned B.M.-C.T. and is improved with a 10-story parking garage. The subject garage, which was completed by Petitioner in March, 1989, was exempt from zoning requirements as it was constructed for public use. Testimony indicated that Hotel Venture, Inc. is interested in purchasing the ground floor level of the garage for develop-

ment into general retail uses in accordance with Petitioner's Exhibit 1. The addition of such private uses will subject the property to the requirements of the Baltimore County Zoning Regulations (B.C.Z.R.). As expressed by both Pat Keller, Deputy Director of Planning, and Kenneth Mills, Executive Director for Petitioner, the Towson Revitalization Plan encourages mixed uses. Petitioner and the Office of Planning believe the proposed uses would be an asset to the community and would not result in any detriment to the public health, safety or general welfare.

Richard Parsons, President of the West Towson Neighborhood Association, Inc., testified that after hearing the testimony and reviewing the plans submitted, the relief requested should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety,

and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of June, 1990 that the Petition for Zoning Variance to permit a height of 111 feet for the south face of an existing building in lieu of the maximum permitted 99 feet or additional height as may be set back within the indicated height tent envelope, a height of 107 feet for the west stair bulkhead of the existing building in lieu of the permitted 60 feet or additional height as may be set back within the indicated height tent envelope, a building to front property line setback of 5 feet in lieu of the required 15 feet, and a building to street centerline setback of 35 feet in lieu of the required 40 feet, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioners shall submit a landscaping plan for approval by the Deputy Director of Planning. A copy of the approved plan shall be submitted to this office for inclusion in the case file.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/19/90
By [Signature]

AMN:bjs

- 3 -

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-474-A
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section see attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Configuration of building and lot
2. Use of building
3. And such other further relief as may be demonstrated at the time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Hotel Venture, Inc.
(Type or Print Name)
by: Richard Eliasberg
Signature Richard Eliasberg, President
1226 Munsey Building
Address
Baltimore, Maryland 21202
City and State

Legal Owner(s):
Baltimore County Revenue Authority; a public corporation
(Type or Print Name)
by: Kenneth F. Mills, Jr.
Signature
Kenneth F. Mills, Jr., Executive Director
(Type or Print Name)
Signature

Attorney for Petitioner:
EVANS, GEORGE & BRONSTEIN
Benjamin Bronstein
(Type or Print Name)
Signature
29 W. Susquehanna Ave., Suite 205
Address
Towson, Maryland 21204
City and State

10 W. Chesapeake Avenue
Address
Towson, Maryland 21204
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
D.S. Thaler & Associates, Inc.
Name
7115 Ambassador Road
Address
21207 944-3647
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

J. Robert Haines
Zoning Commissioner of Baltimore County
(over)

ORDER RECEIVED FOR FILING
Date 6/19/90
By [Signature]

FILED 6/19/90 BY JLL
1 1/2 HRS. HUNG TIME.

March 15, 1990
DESCRIPTION TO ACCOMPANY VARIANCE PETITION
TOLBERT RETAIL CENTER 90-474-A

Beginning for the same at a point on the westerly right-of-way line of York Road (MD Route 45), a 68 foot right-of-way, which point is northwesterly 126 feet, more or less, from the intersection of the centerline of Washington Avenue and York Road (MD Route 45); thence, leaving the said point of beginning and running with and binding upon lines of Record Plat of Tolbert Parking Facility, recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 60 folio 38, the following ten (10) courses and distances:

1. South 31° 37' 34" East 45.40 feet to a point;
2. 72.45 feet by a curve to the right, having a radius of 81.00 feet and a chord of South 06° 00' 10" East 70.06 feet to a point;
3. South 41° 49' 17" West 125.15 feet to a point;
4. South 78° 56' 58" West 24.54 feet to a point;
5. North 67° 55' 25" West 221.84 feet to a point;
6. North 21° 45' 19" East 164.12 feet to a point;
7. South 84° 44' 18" East 37.80 feet to a point;
8. North 04° 49' 05" West 128.07 feet to a point;
9. South 31° 25' 36" East 227.78 feet to a point;
10. North 59° 09' 24" East 90.00 feet to the point of beginning.

Containing 1.202 acres of land, more or less.



NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of the County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 9:30 a.m. on June 8, 1990 at 9:30 a.m.
Petition for Zoning Variance Case number 90-474-A N/S Ware Avenue, N of Washington Avenue 108 Ware Avenue 9th Election District 4th Councilmanic District
Legal Owner(s): Baltimore County Revenue Authority Contract Purchaser: Hotel Venture, Inc.
Hearing Date: Friday, June 8, 1990 at 9:30 a.m.
Variance to permit a height of 111 feet for the south face of the building in lieu of the allowed 99 feet or additional height as may be set back within the indicated height tent envelope AND to permit a front setback of 5 feet in lieu of the required 15 feet AND to permit a street centerline setback of 35 feet in lieu of the required 40 feet building to street centerline.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, not require for a stay of the issuance of any permit for the period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
JY 5131 May 15

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 10, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 10, 1990

THE JEFFERSONIAN,

S. Zeke Orlov
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of the County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 9:30 a.m. on June 8, 1990 at 9:30 a.m.
Petition for Zoning Variance Case number 90-474-A N/S Ware Avenue, N of Washington Avenue 108 Ware Avenue 9th Election District 4th Councilmanic District
Legal Owner(s): Baltimore County Revenue Authority Contract Purchaser: Hotel Venture, Inc.
Hearing Date: Friday, June 8, 1990 at 9:30 a.m.
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In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, not require for a stay of the issuance of any permit for the period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
JY 5131 May 15

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 10, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 9, 1990

TOWSON TIMES,

S. Zeke Orlov
Publisher

PO 104558

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 2021

Date: 5/04/90

H9000347

	QTY	PRICE
PUBLIC HEARING FEES	1 X	\$175.00
020 - ZONING VARIANCE (OTHER)	1 X	\$175.00
TOTAL:		\$175.00

LAST NAME OF OWNER: BCD REV AUTHORITY

B 0121*****175000 3056F

Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 2696

Date: 6/08/90

H9000994

90-474

	QTY	PRICE
PUBLIC HEARING FEES	1 X	\$175.00
080 - POSTING SIGNS / ADVERTISING	1 X	\$158.13
TOTAL:		\$333.13

LAST NAME OF OWNER: BCD REV AUTHORITY

B 032*****158130 3086F

Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: 5-30-90

Hotel Venture, Inc.
1226 Munsey Building
Baltimore, Maryland 21202

Re: Petition for Zoning Variance
CASE NUMBER: 90-474-A
N/S Ware Avenue, N of Washington Avenue
108 Ware Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Baltimore County Revenue Authority
Contract Purchaser(s): Hotel Venture, Inc.
HEARING: FRIDAY, JUNE 8, 1990 at 9:30 a.m.

Gentlemen:

Please be advised that \$ 158.13 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204 (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:ga
cc: Benjamin Bronstein, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: April 26, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-474-A
N/S Ware Avenue, N of Washington Avenue
108 Ware Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Baltimore County Revenue Authority
Contract Purchaser(s): Hotel Venture, Inc.
HEARING: FRIDAY, JUNE 8, 1990 at 9:30 a.m.

Variance: To permit a height of 111 feet for the south face of the building in lieu of the allowed 90 feet or additional height as may be set back within the indicated height tent envelope AND to permit a height of 107 ft. for the west side bulk head in lieu of the allowed 60 ft. or additional height as may be set back within the indicated height tent envelope AND to permit a front setback of 5 ft. in lieu of the required 15 ft. building to front property line and 35 ft. setback in lieu of the required 40 ft. building to street centerline.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Baltimore County Revenue Authority
Hotel Venture, Inc.
Benjamin Bronstein, Esq.
D. S. Thaler & Associates, Inc.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Date of Posting: 5-18-90

Posted for: Variance

Petitioner: J. Robert Haines, Baltimore County Revenue Authority

Location of property: N/S of Ware Avenue, N of Washington Avenue

Location of Sign: North side of Ware Avenue in front of subject property

Remarks: J. Robert Haines

Posted by: J. Robert Haines

Date of return: May 25 - 26

Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 29, 1990

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204

RE: Item No. 347, Case No. 90-474-A
Petitioner: Baltimore County Revenue, et al
Petition for Zoning Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Baltimore County Revenue Authority
Hotel Venture, Inc.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: April 13, 1990

RE: Item No. 347, Case No. 90-474-A
Petitioner: Baltimore County Revenue, et al
Petition for Zoning Variance

Dear Mr. Bronstein:

Your petition has been received and accepted for filing this 25th day of April, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By: James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Baltimore County Revenue Authority, et al
Petitioner's Attorney: Benjamin Bronstein

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Baltimore County Revenue Authority, Item 347
Zoning Petition No. 90-474-A

DATE: May 14, 1990

The Petitioner requests variances to building height and setback requirements.

In reference to this request, staff offers the following comments:

- The Tolbert Parking facility was granted a waiver to CRG meeting and plan requirements (W-87-45). As a public use, it was exempt from zoning requirements. On January 25, 1990, the CRG approved the use of the ground floor of the facility for retail use. (File No. 1X-193) Because private use was added to the existing building, the Zoning Office determined that the building was subject to B.C.Z.R. requirements, necessitating the instant petition.
- The Towson Plan, which is currently being considered for review by the Baltimore County Planning Board, encourages mixed use, i.e., retail and office development in combination with Revenue Authority parking garages.

This office supports the proposed project and supports the request for variances.

An approved landscape plan is required prior to the issuance of any building permits.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3610

Ted Zaleski, Jr.
Director

APRIL 13, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BALTIMORE COUNTY REVENUE AUTHORITY
Location: 108 WARE AVENUE
Item No.: 347 Zoning Agenda: APRIL 24, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: J. Robert Haines Noted and Approved: W. F. Brady, Jr.
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

APR 1 9 1990

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 14, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for April 24, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 338, 343, 346, 348 and 350.

For Item 347, the previous County Review Group Comments still apply.

For Items 344 and 349, a County Review Group Meeting is required.

For Item 345, Windsor Mill Road shall be improved as a 40-foot paving section on a 60-foot right-of-way. Five (5) foot widening is required.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

WEST TOWSON NEIGHBORHOOD ASSOCIATION
P.O. BOX 5580
TOWSON, MARYLAND 21285-5580

June 5, 1990

RECEIVED
JUN 6 1990
ZONING OFFICE

J. Robert Haines, Esq.
Zoning Commissioner
of Baltimore County
111 West Chesapeake Ave
Towson, MD 21204

Dear Commissioner Haines:

The Board of the West Towson Neighborhood Association, Inc. has considered the implications of Hotel Venture, Inc.'s request for variances, case #347, which you will hear on June 8, 1990. We are opposed to the granting of variances from established setbacks, not only because of the massive, overpowering sightlines such construction creates, but also because of precedents such variances set for other applicants with similar intrusions on the regulations in mind. It is our opinion that if a developer cannot, or will not, live within the established guidelines set by the regulations then that is his problem and not everyone else's; the regulations should be set in concrete and applied equally to all of us, and not weakened by every developer who pleads hardship, or the inability to make a return on his investment if he doesn't get his waiver/exception/variance.

The forces of the market place should apply to developers just as though they were private investors taking a plunge on the stock market. If they make a mistake, and times and circumstances change and if their calculations do not work out, there should be no special edge given to them (through variances, etc.) so that they are protected from the loss the rest of us suffer when our stocks go down. The bottom line is that, if the site is unprofitable or impossible to build on, under the present regulations, then it should not be exceptions should not be manipulated by developers as a form of risk insurance to cover them against rising costs and other market factors.

An additional concern with this proposed office development is with the increase in parking needs without an increase in available parking space. As you know, County employees now use a considerable number of spaces in the Tolbert Parking Facility. Additional people will undoubtedly be directed there from the lot which will be closed when Towson Commons starts construction. It is our understanding that one of the grounds for the permission granted for the construction of the Legg Mason Building was the guaranteed access to parking-i.e., the Tolbert Facility.

It seems to us that this proposed office building, without an expansion of parking facilities, and given the factors noted above, will create serious problems.

Yours sincerely,

Richard Parsons

Richard Parsons, President

cc: Phyllis Cole Friedman, Esq., People's Counsel
West Towson Board

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

April 19, 1990



Dennis F. Rasmussen
County Executive

Benjamin Bronstein, Esq.
Evans, George and Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

Re: Item 347
Tolbert Retail Center

Dear Mr. Bronstein:

In reply to your request for an early hearing with regard to the above captioned matter, please be advised that allowing for the processing period, advertising and posting requirements, and the length of hearing, same will be placed on the hearing docket on the first possible date.

Formal Notice of Hearing will be forwarded to you in the near future.

Very truly yours,

G. G. Stephens

GGS:gs

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

RECEIVED
APR 6 1990
ZONING OFFICE

April 5, 1990

The Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Tolbert Retail Center
Zoning Item No. 347

Dear Commissioner Haines:

On behalf of Hotel Venture, Inc., contract purchaser and the Baltimore County Revenue Authority owner I have filed a variance petition in the above entitled matter. This property has CRG approval. As you know, the building is completed with the exception of the retail use on the first floor. The retail uses are of great benefit to the revitalization of Towson. I would appreciate your consideration in having the variance problem set in for an expedited hearing. I do not anticipate any opposition.

Thank you for your kind cooperation.

Very truly yours,
EVANS, GEORGE & BRONSTEIN
Benjamin Bronstein
Benjamin Bronstein

BB/mlh
cc: Mr. Richard Eliasberg

Baltimore County Revenue Authority
10 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 287-3127
FAX 286-7458

April 4, 1990

RECEIVED
APR 5 1990
ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County, Maryland
111 W. Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Tolbert Parking Facility Development
108 Ware Avenue
Variance Hearing Request Item # 347

Dear Bob:

I have tried to reach you by phone a couple of times, to no avail, so I thought I would write a quick note.

Several weeks ago we met and discussed the proposed development of the first floor space at our Tolbert Parking Facility. At the time you asked that I notify you when the developer of the space filed for a variance hearing, in the hopes that an expeditious scheduling of the hearing could take place. Ben Bronstein, attorney for Mr. Richard Eliasberg of Hotel Ventures, Incorporated, filed the hearing request on Monday, April 2.

Whatever assistance you can provide in scheduling the meeting would be appreciated.

Sincerely,
Kenneth F. Mills, Jr.
Kenneth F. Mills, Jr.
Executive Director

KFM/als01-39

WEST TOWSON NEIGHBORHOOD ASSOCIATION, INC.

RESOLVED: That at the Annual Meeting of the West Towson Neighborhood Association held on May 7, 1990 it was decided by the Association that responsibility for review and action on all relevant and appropriate matters for the period May 1990 through June 1991 be placed in the Board of Governors consisting of the following members:

Joy Biddison	Richard Parsons
Gerry L. Brewster	John W. Pyle
Barbara Bugg	Phyllis Roos
Eugene G. Cross	Nan Spencer
Mary Ann Jensen	Henry Strohminger, III
Mary Laura Kalista	Mical E. Wilmoth
David W. Kozera	Donald Wright

AS WITNESS: OUR HANDS AND SEAL THIS 7th DAY OF MAY, 1990:

ATTEST

Mary Laura Kalista
Secretary

WEST TOWSON NEIGHBORHOOD
ASSOCIATION, INC.

Richard Parsons
President

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

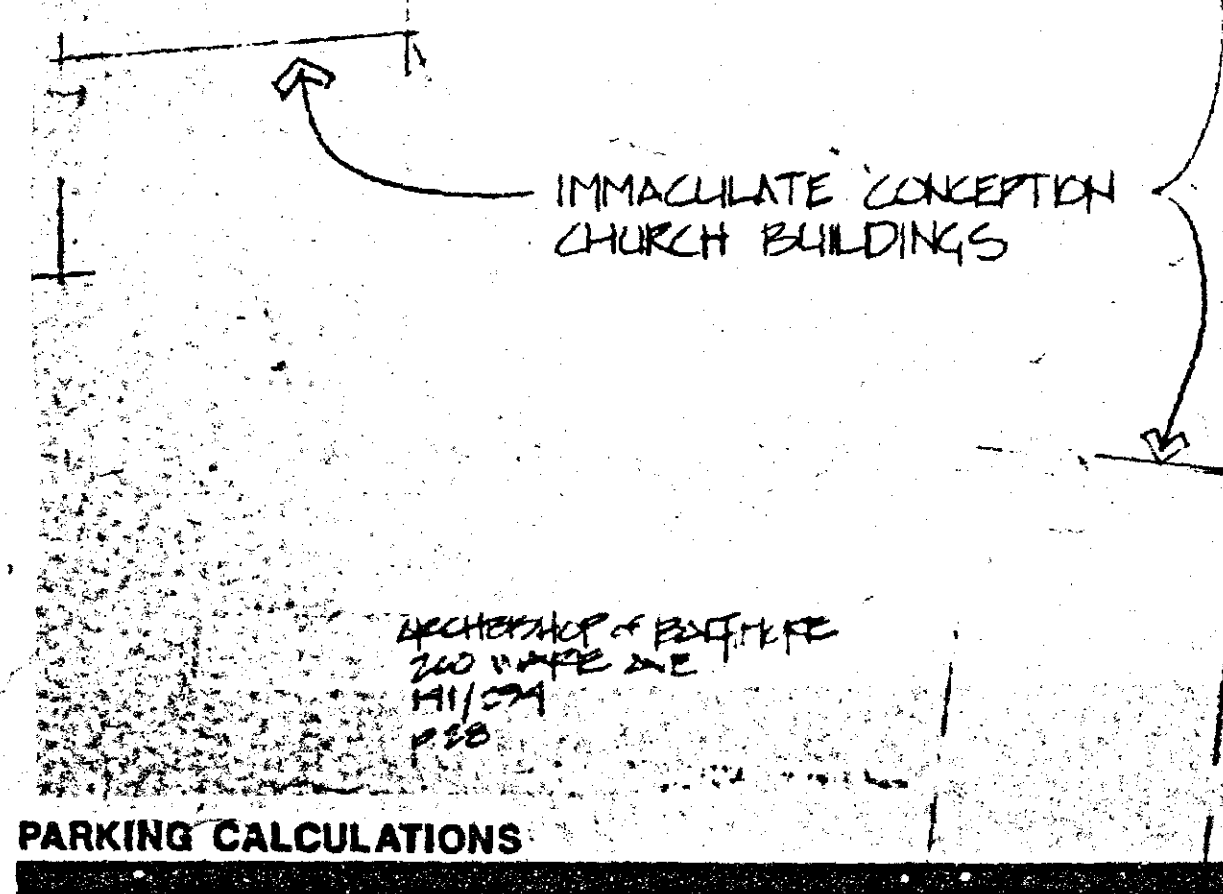
Benjamin Bronstein
Ken Mills

Sub 205 ADDRESS
29 W. Susquehanna Ave. 21204
Baltimore County, King's Highway
10 W. Chesapeake Ave. 21204

DAVID HALLER
Richard Parsons

715 AMBASSADOR RD
21204 MD 21207
1226 HUNTER RD
Baltimore 21202
412 WOODBURN AVE TOWSON
21204

1. Variance from Section 231 b (235B.5) to permit a height of 111 feet for the south face of the building in lieu of the allowed 99 feet or (additional height as may be set back within the indicated height tent envelope).
2. Variance from Section 231 d (235B.5) to permit a height of 107 feet for the west stair bulk head in lieu of the allowed 60 feet or additional height as may be set back within the indicated height tent envelope.
3. Variance from Section 235.f to permit a front setback of five feet in lieu of the required 15 foot building to front property line and 35 foot setback in lieu of the required 40 foot building to street center line.



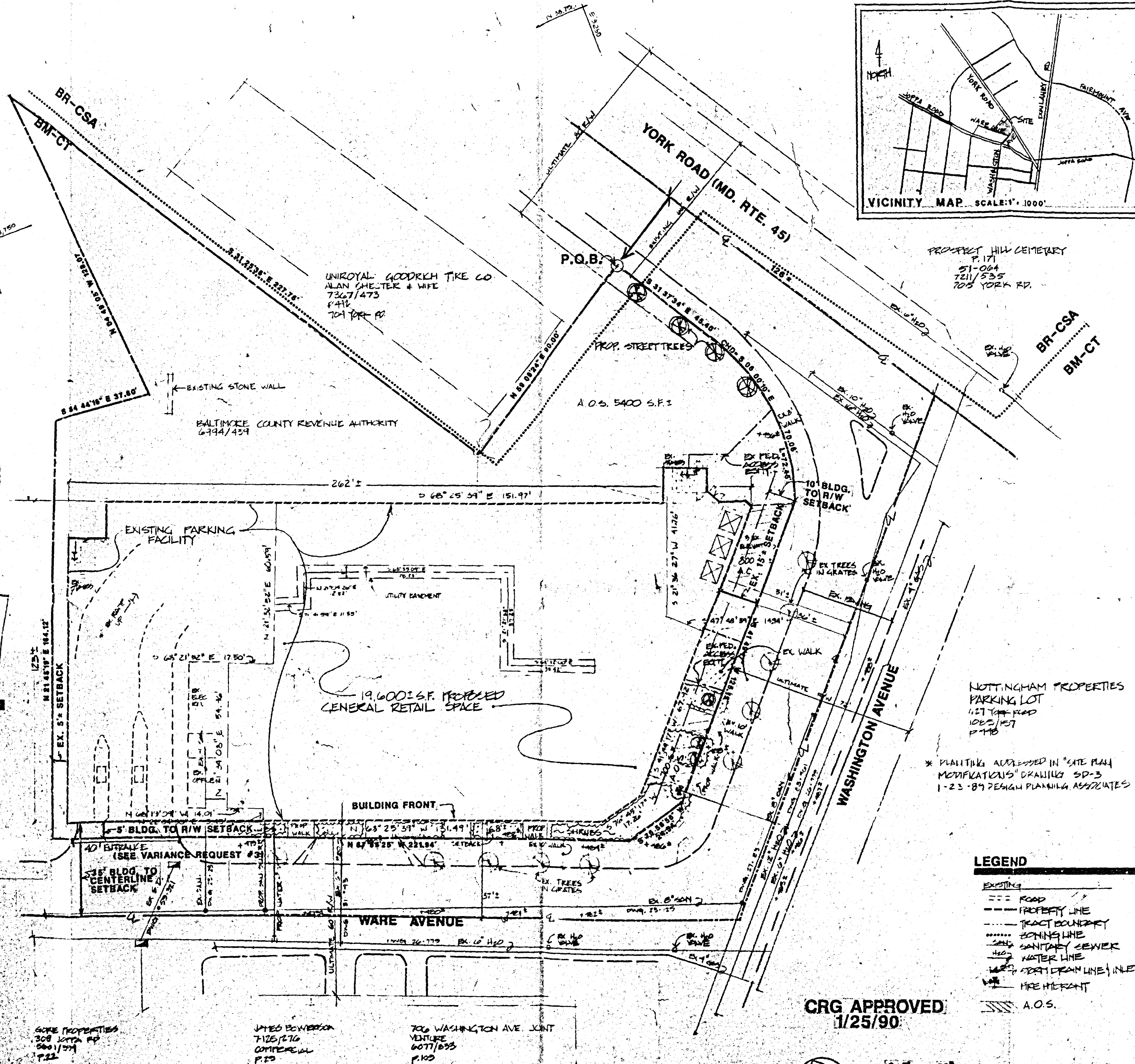
EXISTING ABOVE GRADE PARKING:					
Total above grade parking: 836 spaces					
Currently leased spaces: 686 spaces (as follows)					
	LESSEE	USE	FULL	COMPACT	LEASED
①	Baltimore County Payroll Deductions	Office	220	80	300
②	Towson District Court	Office	50	0	50
③	Tatwald Limited Partnership	Office	17	0	17
④	Allegheny Center Limited Partnership	Mixed	180	0	180
⑤	Henry Adams Limited Partnership	Office	50	0	50
⑥	D.E.C. (Employment & Training)	Office	21	0	21
⑦	Baltimore County Authorized Pools	Office	25	0	25
⑧	Individual Spaces	Mixed	43	0	43
Total Leased			606	80	686
Existing Spaces			748	80	828
Net Available To Retail Center			142	0	142
Proposed Leasing for Retail Center			62	0	62
Net Available For Transient Users			80	0	80

Required Parking for Retail Center: $3SP/1000\text{ S.F.} \times 10000\text{ S.F.} = 30\text{ spaces}$

Proposed Number of spaces to be reserved for lease by the Retail Center: $62\text{ Full size} + 3\text{ H.C.} = 65\text{ spaces}$

Requisite Parking agreements will be made between the Retail Center occupants and the Baltimore County Revenue Authority.

See sheet 2 of 2 for vicinity map indicating relative location of lessees' existing above.



1. DEVELOPMENT NAME: ToBert Retail Center

2. CONTRACT PURCHASER: Hotel Venture, Inc.
c/o Prime Management Company
7 North Calvert Street
1224 Nursery Building
Baltimore, Maryland 21202
(301) 752-9228

OWNER: Baltimore County Revenue Authority
10 West Chesapeake Avenue
Towson, Maryland 21204

Deed Reference: 6994/439
Tax Account #: 20-00-005047

Plat Ref: Book 50 Page 38 "Subdivision
Plat of ToBert Parking Facility"

3. CDE PLAN PREPARED BY: D.S. Haller & Associates, Inc.
7115 Ambassador Road
Baltimore, Maryland 21207
(301) 346-3647

ATTN: Ms. Stacey McArthur, R.L.A.

4. GENERAL DATA: Election District #: 9
Census Tract: 4904.04
Councilmanic District: 4
Watershed: 23
Subwatershed: 55

5. SITE INFORMATION: A. Gross Lot Area = 19,600 sq. ft.

B. Zoning
Existing Zoning: BM-CF

C. F.A.R. allowed = 5.5
19,600 sq. ft. x 5.5 = 107,800 sq. ft. allowed
F.A.R. proposed:
19,600 sq. ft. x 19,600 sq. ft. = 1
SEE NOTE #10 FOR COMPLETE BLDG. F.A.R.

D. Parking:
Required = 3 spaces/1000 sq. ft. x 19,600 SF = 59 spaces
(Property lies within Towson Town Center boundary)
Handicap = 3 (Accessible to elevator)

Parking Proposed:
Spaces: 62
Handicap Spaces: 3

TOTAL PARKING PROPOSED: 65 spaces by agreement with the
Baltimore County Revenue Authority
THIS REPRESENTS A TOTAL OF QUOTE SPACES REQ.

E. Any Other Specs:
Required: (0.1 x 10,000 S.F. Retail) = 10.02 x 245,666 S.F.
Above Garage Parking = 2869.3 S.F.

Proposed: 2869 S.F.

X F. Landscape planting as specified in the Baltimore
County Landscape Manual, section 12, Landscape
Standards and Criteria will be provided by the Baltimore
County Revenue Authority

Public water and sewer will be provided.

6. UTILITIES:
The existing use is a parking garage.
The proposed use is retail.

7. USE:
Average daily trips as calculated from the Baltimore
County Comprehensive Manual of the Development Policy.
117.9/1000 sq. ft. = 19,600 sq. ft. = 2311

8. AVERAGE DAILY TRIPS (ADTS)

9. STORM WATER MANAGEMENT:
Waiver granted 2/4/87

10. GRADING:
Grading shown is schematic only.

* 1. LANDSCAPING 1 TREE/40 L.P. OF ADJACENT ROADWAY
390 L.P. = 9.75
TREES PROVIDED = 10 (EXISTING)

2. EXISTING ABOVE GRADE PARKING:

FULL SIZE	748
COMPACT	80
HANDICAPPED	<u>8</u>
	836 SPACES
LESS CURRENTLY LEASED	680 SPACES
NET AVAILABLE SPACES	156

3. PREVIOUS ZONING HEARING'S RELATED TO SITE: N
CASE # 70-104 S-PH: ZONING COMMISSIONER APPROVED
PARKING IN THE RESIDENTIALLY ZONED PORTION
OF THE PROPERTY. (SPECIAL PERMIT GRANTED).
CASE # 73-202 R: RECLASSIFIED PROPERTY FROM DR-ESA
TO BRICT BY BRICKS BLICK INC. NO ADVERSE
COMMENTS.

4. REGARDING ECZ- 305.2, NO PERMANENT COMMERCIAL
BUILDING'S CONSTITUTED OF FIRE-RESISTING
MATERIALS ARE SITUATED WITHIN 125' OF
A JOINT SIDE PROPERTY LINE.

5. F.A.R. TOTAL SITE + COMPLETE BUILDING:

12 AC. NET LOT	= 52,272 S.F.
52,272 X 5.5	= 287,496 S.F. PROPOSED
PROPOSED 1,242,414 S.F. PARKING	
17,000 S.F. RETAIL	
262,000 S.F.	
PROPOSED F.A.R. = 5.0	

16 TRASH REMOVAL WILL BE DESIGNED BY CONTRACT HAULER

**PLAT TO ACCOMPANY VARIANCE PETITION
TOLBERT RETAIL CENTER**

DRAWINGS PREPARED BY: **90-474-1**

D.S. THALER & ASSOCIATES, INC.

CIVIL ENGINEERS/LANDSCAPE ARCHITECTS/SURVEYORS/LAND PLANNERS

7715 AMBASSADOR ROAD
BAYTOWN, MARYLAND 21027

(301) 944-5189 (301) 944-3547

3A7


MARCH 2, 1990

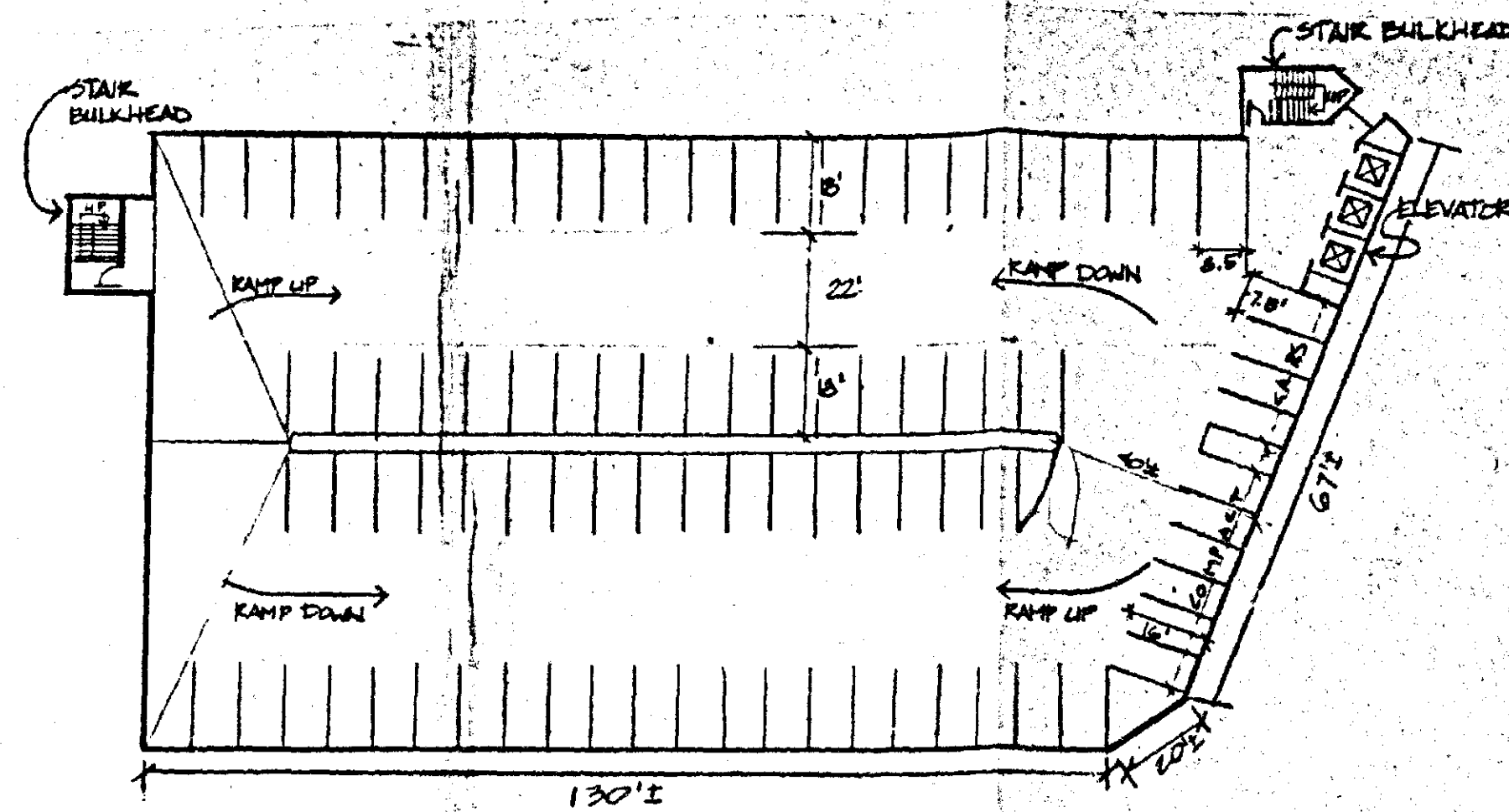
SHEET 1 OF 2

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MAR 27 1990

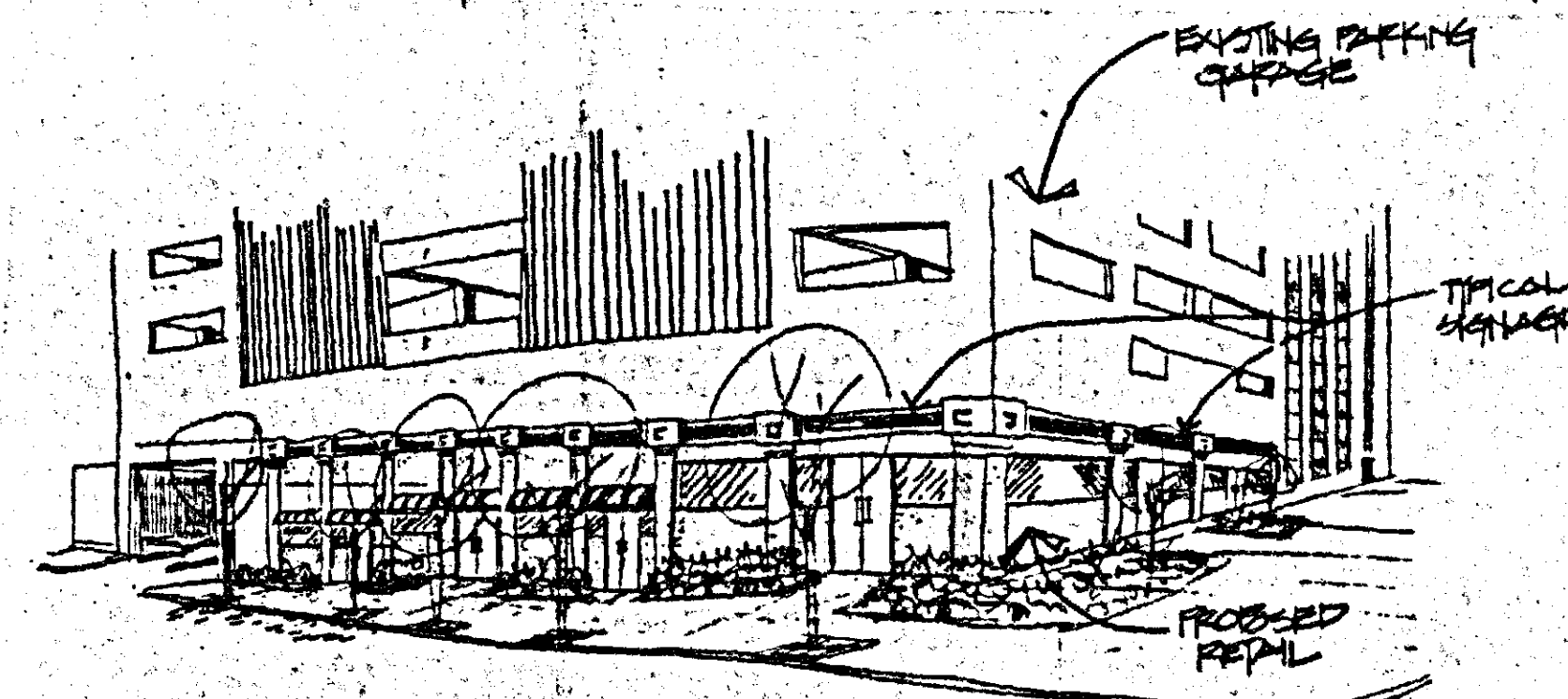
G. S. THALER & ASSOCIATES, INC.





TYPICAL PARKING LEVEL

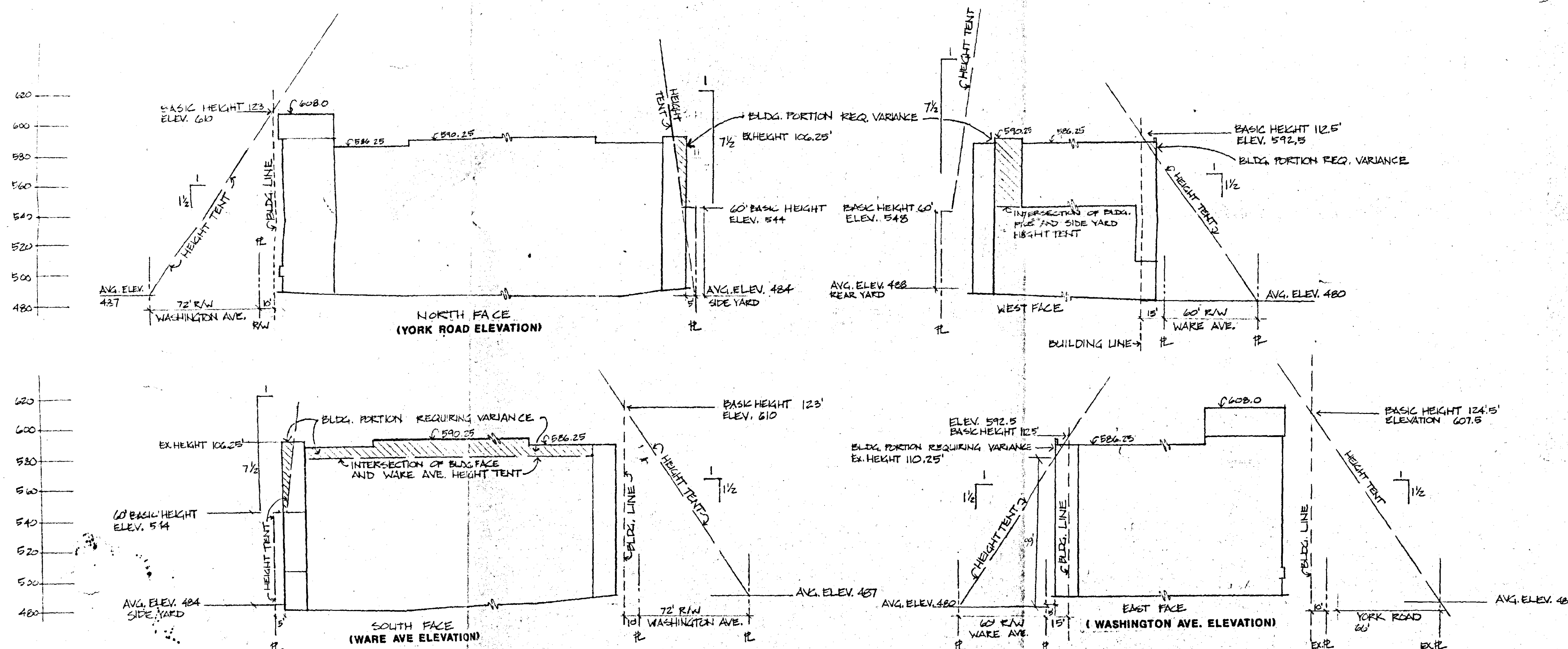
N.T.S.



SCHEMATIC PERSPECTIVE

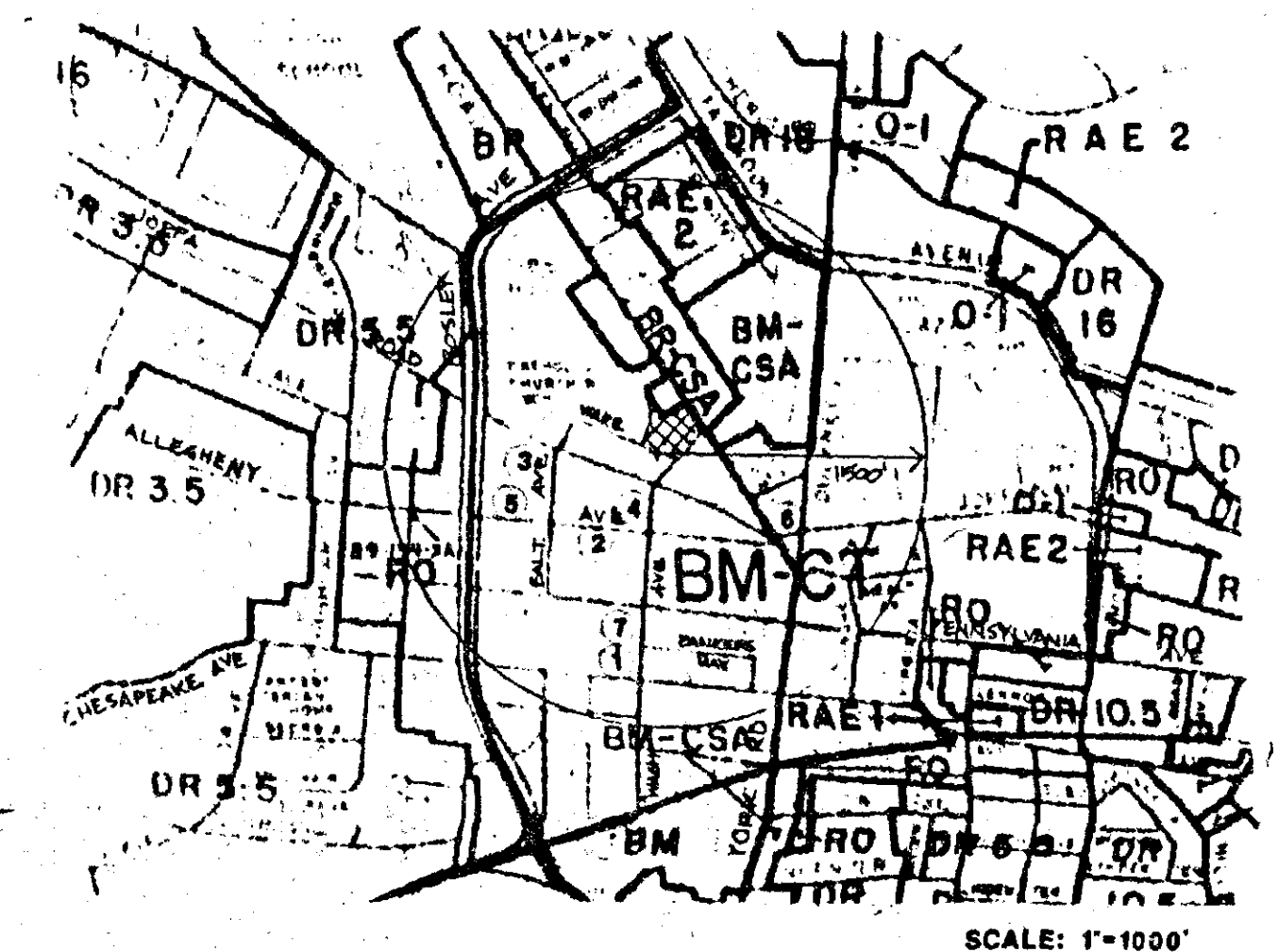
NOTE:

ALL PROPOSED SIGNAGE WILL COMPLY WITH
B.C.Z.R. SECTIONS: 413.2.A. 217 LINEAR FEET
OF WALL ALLOWS 868 SQUARE FEET OF
SIGNAGE AFFIXED TO THE WALL.



HEIGHT TENT EVALUATIONS

SCALE: 1"=40'



- 1 BALTIMORE COUNTY PAYROLL DEDUCTIONS
- 2 TOWSON DISTRICT COURT
- 3 TABALD LIMITED PARTNERSHIP
- 4 ALLEGHENY CENTER LIMITED PARTNERSHIP
- 5 HENRY ADAMS LIMITED PARTNERSHIP
- 6 OET (EMPLOYMENT & TRAINING)
- 7 BALTIMORE COUNTY AUTHORIZED CARPOOL INDIVIDUAL SPACES

ALL CURRENT LESSEES ARE LOCATED WITHIN 1000' OF THE TOLBERT PARKING FACILITY.

CURRENT LESSEES PROXIMITY TO TOLBERT PARKING FACILITY

PETITIONER'S
EXHIBIT 2

90-474-A

PLAT TO ACCOMPANY
VARIANCE PETITION
TOLBERT RETAIL CENTER

DRAWINGS PREPARED BY:

D.S. THALER & ASSOCIATES, INC.
CIVIL ENGINEERS/LANDSCAPE ARCHITECTS/SURVEYORS/LAND PLANNERS
7715 AMBASSADOR ROAD
BALTIMORE, MARYLAND 21207
(301) 944-ENGR (301) 944-2447

MARCH 2, 1990

SHEET 2 OF 2

PRINTED

MAR 27 1990

D.S. THALER & ASSOCIATES, INC.



1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 13, 1988
 Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88, 151-88
 Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200'	LOCATION TOWSON	SHEET N.E. 10-A
DATE OF PHOTOGRAPHY JANUARY 1986		

347
90-474-A

200 SCALE ZONING MAP
 TO ACCOMPANY
 VARIANCE PETITION
TOLBERT RETAIL CENTER

DRAWINGS PREPARED BY:
 D.S. THALER & ASSOCIATES, INC.
 CIVIL ENGINEERS/LANDSCAPE ARCHITECTS/SURVEYORS/LAND PLANNERS
 7715 AMBASSADOR ROAD
 BALTIMORE, MARYLAND 21207
 (301) 944-ENGR (301) 944-3847
 MARCH 2, 1990
 PRINTED
 MAR 27 1990
 D.S. THALER & ASSOCIATES, INC.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 30, 1994

George E. Hale
Executive Director
Baltimore County Revenue Authority
115 Towsontown Boulevard
Towson, MD 21286-5350

RE: Retail Parking Requirements
Tolbert Parking Facility
108 Ware Avenue
Zoning Case #90-474-A
9th Election District

Dear Mr. Hale:

This letter responds to your correspondence requesting confirmation that your prospective tenant may lease 18,000 square feet of ground level space for retail development and be in compliance with the number of parking spaces required by the Baltimore County Zoning Regulations (BCZR).

Based on the above information and a review of the zoning public hearing records, the staff has determined the following.

A zoning variance public hearing (case #90-474-A) was granted on June 19, 1990 for 108 Ware Avenue in accordance with petitioner's exhibits #1 and #2 and subject to certain restrictions (reduced scale copies of plans and order are enclosed). The variances were granted in order to allow the building to exceed certain height and setback limitations in order to comply with all zoning standards for the site.

Petitioner's exhibit #1 clearly shows a proposed 19,600 +/- square foot general retail space (on the ground floor level). 65 parking spaces are proposed to support the retail use "by agreement with the Baltimore County Revenue Authority" (see site information plan note #5.D).

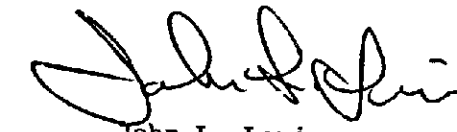
George E. Hale
August 30, 1994,
Page 2

Therefore, if the site and parking (to be provided) are in accordance with the approved petitioner's exhibits, order, and restrictions, the 18,000 square feet of ground floor retail space is approvable for zoning at 3.3 parking spaces per 1,000 square feet as being within the limits of the above-referenced approved plans.

A copy of the (blue) commercial building permit checklist is provided with this letter. Compliance with this checklist is required for any necessary building permit approvals.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,


John L. Lewis
Planner II

JLL:scj

cc: zoning case #90-474-A